

1 DAVID A. CARROLL, ESQ.
2 Nevada State Bar No. 7643
3 ANTHONY J. DIRAIMONDO, ESQ.
4 Nevada State Bar No. 10875
5 **RICE REUTHER SULLIVAN & CARROLL, LLP**
6 3800 Howard Hughes Parkway, Suite 1200
7 Las Vegas, Nevada 89169
8 Telephone: (702) 732-9099
9 Facsimile: (702) 732-7110

10 RACHEL KINGREY, ESQ. (*Pro Hac Vice Forthcoming*)
11 **GARDERE WYNNE SEWELL LLP**
12 1601 Elm Street, Suite 3000
13 Dallas, Texas 75201
14 Telephone: (214) 999-3000
15 Facsimile: (214) 999-4667
16 *Attorneys for Kwong Yet Lung Co., Inc.*
17 *d/b/a International Marketplace*

18 CHANT YEDALIAN, ESQ. (*pro hac vice*)
19 **CHANT & COMPANY**
20 **A Professional Law Corporation**
21 1010 N. Central Ave.
22 Glendale, CA 91202
23 Phone: 877.574.7100
24 Fax: 877.574.9411

25 KENNETH M. ROBERTS, ESQ.
26 Nevada State Bar No. 4729
27 **DEMPSEY, ROBERTS & SMITH, LTD.**
28 1130 Wigwam Parkway
Henderson, NV 89074
Phone: 702.388.1216
Fax: 702.388.2514
Attorneys for Plaintiff Cirena Torres

19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 CIRENA TORRES, on behalf of herself and
22 all others similarly situated,

23 Plaintiffs,
24 vs.

25 KWONG YET LUNG CO., INC.
26 d/b/a International Marketplace, and DOES
1 through 100, inclusive,

27 Defendants.

28 Case No. 2:14-cv-02223-MMD-PAL

**STIPULATION AND [PROPOSED]
ORDER FOR (1) CONTINUANCE OF
THE DEADLINE TO FILE MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT, AND (2) STAY
OF LR 26-1 AND LR 26-2 DEADLINES
AND OTHER REQUIREMENTS**

(FIRST REQUEST)

1 Pursuant to Local Rule 6-1, Plaintiff Cirena Torres and Defendant Kwong Yet Lung
2 Co., Inc. d/b/a International Marketplace (hereinafter "International Marketplace"), by and
3 through their respective undersigned counsel, submit this Stipulation and [Proposed] Order
4 for (1) Continuance of the Deadline to File Motion for Preliminary Approval of Class
5 Settlement, and (2) Stay of LR 26-1 and LR 26-2 Deadlines and Other Requirements.
6 Plaintiff and Defendant stipulate, agree, and hereby request as follows:

7 **BACKGROUND**

8 1. This lawsuit was commenced on the last day of December 2014.
9 2. On May 13, 2015, the parties participated in mediation before the Honorable
10 Philip Pro (Ret.) in Las Vegas, Nevada. With Judge Pro's assistance, the parties reached a
11 class-wide settlement.

12 3. Following the mediation, counsel for the parties confirmed the key terms of
13 the class-wide settlement by memorializing the key terms by email, including the fact that
14 confirmatory discovery is required.

15 4. This settlement was thereafter reported to the Court on May 15, 2015. Dkt.
16 No. 12.

17 5. In a minute order entered on May 18, 2015 (Dkt. No. 13), the Court informed
18 the parties that "[t]he Court has reviewed the parties' joint status report. (Dkt. no [12].)"
19 and ordered the parties to file a motion for preliminary approval of class settlement within
20 90 days. As such, the deadline is August 17, 2015.¹

21 6. Although, as stated above and previously reported to the Court, the parties
22 have agreed on and memorialized the key terms of the settlement, more time is needed to
23 gather the physical addresses and other information of the settlement class members,
24 finalize the engagement of a class action settlement administrator, and to formalize and
25 execute the formal settlement agreement.

26 _____
27 1 The ninetieth day is Sunday, August 16, 2015. Thus, the next court day is August 17,
28 2015.

1 7. For these reasons, the parties respectfully request the Court grant a forty-five
2 day extension to the deadline to file a motion for preliminary approval of the class action
3 settlement. This request is not made for the purpose of delay and there have not been any
4 such prior extensions or continuances requested or granted.

5 8. In addition, Defendant International Marketplace filed its Answer on August
6 14, 2015. Dkt. No. 14. The Answer constitutes Defendant's first appearance in this
7 action, and, as such, triggered discovery related requirements, including corresponding
8 deadlines under LR 26-1 and/or LR 26-2. Because the parties will be proceeding with a
9 class-wide settlement which will require the Court's review and preliminary and final
10 approvals pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the parties agree
11 to stay all of the deadlines and other requirements of LR 26-1 and LR 26-2, to allow time
12 for the Court's review and approval process to be completed.

PRAYER

14 WHEREFORE, PREMISES CONSIDERED, pursuant to Local Rule 6-1 and for the
15 reasons set forth above, Torres and International Marketplace pray that (1) the Court
16 extend the deadline to file a motion for preliminary approval of class settlement for forty-
17 five days (until and including October 1, 2015), and (2) stay all of the deadlines and other
18 requirements of LR 26-1 and LR 26-2.

19 | //

20 | //

21 | //

22 | //

23

24

25

26

27

28

1 Dated: August 14, 2015.

Respectfully submitted,

2 By: /s/ Chant Yedalian, Esq.

3 KENNETH M. ROBERTS, ESQ.

Nevada State Bar No. 4729

4 DEMPSEY, ROBERTS & SMITH, LTD.

1130 Wigwam Parkway Henderson, NV 89074

Telephone: 702.388.1216

Facsimile: 702.388.2514

Email: kenroberts@drs ltd.com

Local Counsel

6
7 And

8 CHANT YEDALIAN, ESQ. (*pro hac vice*)
CHANT & COMPANY

9 A Professional Law Corporation

10 1010 N. Central Ave. Glendale, CA 91202

Telephone: 877.574.7100

Facsimile: 877.574.9411

Email: chant@chant.mobi

11
12 *Attorneys for Plaintiff*

13 RICE REUTHER SULLIVAN & CARROLL, LLP

14 By: /s/ Anthony J. DiRaimondo, Esq.

15 DAVID A. CARROLL, ESQ.

Nevada State Bar No. 7643

16 ANTHONY J. DIRAIMONDO, ESQ.

Nevada State Bar No. 10875

17 3800 Howard Hughes Parkway, Suite 1200

Las Vegas, Nevada 89169

Telephone: (702) 732-9099

Facsimile: (702) 732-7110

18
19 GARDERE WYNNE SEWELL LLP

20 RACHEL KINGREY, ESQ.

21 *Pro Hac Vice Forthcoming*

1601 Elm Street, Suite 3000

22 Dallas, Texas 75201

Telephone: (214) 999-3000

23 Facsimile: (214) 999-4667

24 *Attorneys for Kwong Yet Lung Co., Inc.*
d/b/a International Marketplace

25

26

27

28

ORDER

Having considered the foregoing Stipulation and finding good cause appearing,

3 IT IS HEREBY, ORDERED, ADJUDGED, AND DECREED that the foregoing
4 Stipulation is GRANTED.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that (1) the deadline
6 to file a motion for preliminary approval of class settlement is extended and continued for
7 a period of forty-five days (until and including October 1, 2015), and (2) all of the
8 deadlines and other requirements of LR 26-1 and LR 26-2 are stayed.

IT IS SO ORDERED.

Dated: August 17, 2015

HON. MIRANDA M. DU
United States District Judge

CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that I am an employee of Rice Reuther Sullivan & Carroll, LLP,
3 and that on this 14th day of August, 2015, I electronically filed the foregoing **STIPULATION**
4 **AND [PROPOSED] ORDER FOR (1) CONTINUANCE OF THE DEADLINE TO FILE**
5 **MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT, AND (2) STAY**
6 **OF LR 26-1 AND LR 26-2 DEADLINES AND OTHER REQUIREMENTS (FIRST**
7 **REQUEST)** with the Clerk of the Court using the CM/ECF system which will send notification of
8 such filing to the attorneys of record in this matter which are listed below:

9 Kenneth M. Roberts, Esq.
10 Dempsey, Roberts & Smith, Ltd.
11 1130 Wigwam Parkway
12 Henderson, NV 89074
13 (702) 388-1216
14 (702) 388-2514 (fax)
15 kenroberts@drslltd.com
16 *Attorneys for Plaintiff*

14 Chant Yedalian
15 Chant & Company
1010 N. Central Ave.
16 Glendale, CA 91202
(877) 574-7100
(877) 574-9411 (fax)
17 chant@chant.mobi
Attorneys for Plaintiff

/s/ Gayle McCrea

Employee of Rice Reuther Sullivan & Carroll, LLP

22 | Gardere01 - 6937637v.2